

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

J.G. and J.G. on behalf of J.G.,
Plaintiffs,

-against-

BOARD OF EDUCATION OF THE
BRIARCLIFF MANOR UNION FREE
SCHOOL DISTRICT,

Defendant.

NOTICE OF
MOTION TO DISMISS
Index No. 07 cv. 7245
Judge Karas

-----X

PLEASE TAKE NOTICE:

That upon the affirmation of Leah L. Murphy, sworn to on September 13, 2007, (annexed hereto), the affidavits of Lois Olivieri, sworn to on September 11, 2007 and Karen Gisondi, sworn to on September 11, 2007 (annexed hereto) and the Memorandum of Law in support of this Motion to Dismiss, the undersigned will move this Court, before the Honorable Kenneth M. Karas, at the United States District Court located at 500 Pearl Street, Room 920, New York, New York 10007 on the 24th Day of September, at 10:00 a.m. or as soon thereafter as counsel may be heard, for an order pursuant to Rules 4 and 12(b) (4), (5) and (6) of the Federal Rules of Civil Procedure, dismissing the action with prejudice, declaring that the plaintiff failed to properly serve the complaint on defendant, attempted to conceal the insufficient service of process and has exhausted the time in which the exercise of personal jurisdiction over the defendant can be attained and for such other and further relief as the Court may deem just, proper and equitable.

Dated: Bedford Village, New York
September 13, 2007

Yours, etc.

KUNTZ, SPAGNUOLO & MURPHY, P.C.

Attorneys for Defendant
444 Old Post Road
Bedford Village, New York 10506
(914) 234-6363

Leah L. Murphy
Leah L. Murphy (LLM 8934)